



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: December 27, 2007
TO: Candidate Committees Registered on the State Level
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: 2008 CAMPAIGN STATEMENT FILING DEADLINES

Campaign Statement and Late Contribution Report filing deadlines for the 2008 calendar year are discussed below.

Carefully read this memo to determine if the described filings are required of your committee. A committee that has a Reporting Waiver is not required to file Campaign Statements. The Reporting Waiver is discussed on pages 6 and 7 of this memo.

As this memo discusses the Annual, Pre-Primary, Post-Primary, Pre-General and Post-General Campaign Statement filing requirements, please retain it for reference through December 2008.

All committees required to file with the Secretary of State that spend or receive \$20,000.00 or more in a calendar year or expect to spend or receive \$20,000.00 or more in a calendar year are required to file electronically. Committees are automatically registered for the MERTS Plus software when a Statement of Organization is filed. Training (on-site or on-line) can be arranged by accessing the MERTS Plus web page at www.mertsplus.com.

Candidate Committees that are required to file Campaign Statements electronically must also file Late Contribution Reports electronically. Please see page 4 of this memo for information on the Department's Immediate Disclosure Reporting (e-IDR) program.

Campaign Statement Filing Deadlines for 2008 Calendar Year

Close of books for Annual reporting period	December 31, 2007
Annual Campaign Statement filing deadline	January 31, 2008
Close of books for Pre-Primary reporting period	July 20, 2008
Pre-Primary Campaign Statement filing deadline	July 25, 2008
PRIMARY ELECTION	August 5, 2008
Close of books for Post-Primary reporting period	August 25, 2008
Post-Primary Campaign Statement filing deadline	September 4, 2008
Close of books for Pre-General reporting period	October 19, 2008
Pre-General Campaign Statement filing deadline	October 24, 2008
GENERAL ELECTION	November 4, 2008
Close of books for Post-General reporting period	November 24, 2008
Post-General Campaign Statement filing deadline	December 4, 2008

Campaign Statement Coverage Dates

A Campaign Statement's opening date is the day after the closing date of the last Campaign Statement filed by the committee. If the committee has never filed Campaign Statements, the opening date of the first Campaign Statement filed is the earlier of the following two dates:

1) the committee's formation date or 2) the date the committee accepted its first contribution or made its first expenditure.

Committees Exempt From Filing the Annual

A Candidate Committee that does not fall into one of the following exemptions must file the Annual Campaign Statement:

- A Candidate Committee that currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before January 31, 2008 is not required to file the Annual Campaign Statement. (The Reporting Waiver exemption is discussed in greater detail later in this memo.)
- The Candidate Committee of an officeholder whose salary is less than \$100.00 a month is not required to file the Annual Campaign Statement. **PLEASE NOTE:** To be eligible for this exemption, the committee must not have received any contributions or made any expenditures during the period of time covered by the Annual Campaign Statement.
- A Candidate Committee that filed a Post-General Campaign Statement during December 2007 is not required to file the 2008 Annual Campaign Statement.
- The Candidate Committee of an incumbent judge is not required to file the Annual Campaign Statement.

Pre-Election and Post-Election Campaign Statements

A Candidate Committee must file the Pre-Election and Post-Election Campaign Statements if the candidate's name appears on the August 5 primary and/or November 4 general election ballots or if the candidate receives or spends funds in connection with a write-in campaign.

NOTE: A write-in candidate who is nominated at the primary election who did not receive or spend any funds in connection with the campaign should contact his or her county clerk or the Bureau of Elections in Lansing for filing instructions.

Late Contribution Reports

A Candidate Committee that participates in the August 5 primary and/or November 4 general election is required to file a "Late Contribution Report" if the committee receives a contribution of \$200.00 or more from a single contributor from July 21 through August 2, 2008 and/or October 20 through November 1, 2008.

- A late contribution is any single contribution of \$200.00 or more received by the committee between the 15th and the 3rd day before the date of the election. The term "election" is used to mean a primary, general, special, recall, or millage election held in Michigan or a convention or caucus held by a political party in Michigan to nominate candidates.
- This office must receive a Late Contribution Report within 48 hours after the committee's receipt of the contribution. A contribution is *received by a committee* on the date that the funds, written instrument or in-kind contribution of goods from the contributor come into the *physical possession of the committee treasurer, designated record keeper or other person acting as an agent of the committee*. The receipt date is not the date the check or other written instrument is written or the date the contribution is deposited into the committee's bank account.
- For purposes of reporting a late contribution which involves an in-kind contribution of services, the in-kind contribution is considered to be received by the committee *on the date the committee treasurer, designated record keeper or other person acting as an agent of the committee receives verbal or written notice from the contributor that the contribution has in fact been made*.
- In addition to this report, a late contribution must be disclosed on the next Campaign Statement filed by the committee. **A Reporting Waiver does not exempt a committee from filing Late Contribution Reports; however, it is not necessary for a committee with a Reporting Waiver to show late contributions on a Campaign Statement.**
- A Late Contribution Report must contain the date and amount of the contribution along with the contributor's name, street address, occupation, employer and principal place of business. The report need not contain a signature and may be made by any means of written communication, including fax or e-mail. The fax number for the Bureau of Elections is (517) 241-4785. A Late Contribution Report form is available on the Bureau's web page at www.michigan.gov/sos.

NOTE: A committee that is required to file electronically must file any required Late Contribution Reports electronically. See below for complete information.

- A committee, treasurer or designated record keeper who fails to report a late contribution is responsible for the payment of a late filing fee. The maximum late filing fee that can be assessed for failing to file a required Late Contribution Report is \$2,000.00. The late filing fee will be assessed as follows:
 - (a) \$25.00 for each business day the report remains unfiled.
 - (b) An additional \$25.00 for each business day after the first 3 business days the report remains unfiled.
 - (c) An additional \$50.00 for each business day after the first 10 business days the report remains unfiled.

Late Contribution Reports – Electronic Filing

In 2006, the Michigan Department of State's Bureau of Elections introduced the Immediate Disclosure Reporting or "e-IDR" program that allows committees registered with the Department of State to file Late Contribution Reports electronically. A memo which announced the new program was sent to all active committees registered with the Bureau of Elections.

All committees are encouraged to use the e-IDR program voluntarily. However, committees that are required to file electronically because they have exceeded the \$20,000.00 threshold must file Late Contribution Reports using e-IDR. Paper, e-mail or fax copies no longer meet the filing requirements of the Michigan Campaign Finance Act; late filing fees may be assessed on reports that must be filed electronically that are not filed using e-IDR.

To file using e-IDR, go to www.michigan.gov/sos and click the following: "Elections in Michigan," "Campaign Finance Disclosure," "E- Filing," and then "Immediate Disclosure Reports (e-IDR)." The password used to file Campaign Statements electronically is also used to file Late Contribution Reports using e-IDR. Please bookmark this page for easy access the next time you need to file.

Campaign Statement Forms

Candidate Committee Campaign Statement forms are available on our web page at www.michigan.gov/sos.

Timely, Accurate Campaign Statements Required!

If a Candidate Committee fails to file a required Annual Campaign Statement, a late filing fee is assessed as follows:

- If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the Statement remains unfiled up to a maximum of \$500.00
- If the committee raised **more than \$10,000.00** during the previous 2 years, a \$50.00 late filing fee will be assessed each business day the Statement remains unfiled up to a maximum of \$1,000.00.

- A late filing fee for the Annual Campaign Statement must be paid by the candidate and cannot be paid with committee funds.

If a Candidate Committee fails to file a required Pre-Election or Post-Election Campaign Statement, a late filing fee is assessed as follows:

- If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the Statement remains unfiled up to a maximum of \$500.00.
- If the committee raised **more than \$10,000.00** during the previous 2 years, the maximum fee that can be assessed is increased to \$1,000.00. The late filing fee will be assessed as follows:
 - (a) \$25.00 for each business day the Statement remains unfiled.
 - (b) An additional \$25.00 for each business day after the first 3 business days the Statement remains unfiled.
 - (c) An additional \$50.00 for each business day after the first 10 business days the Statement remains unfiled.
- Campaign Statements that are hand-delivered, sent by first class mail, or submitted electronically via the Internet must reach this office before 5:00 p.m. on the due date. Be sure to allow ample mailing time if sending first class.
- A Pre-Election Campaign Statement submitted on paper or diskette that is sent by registered mail, certified mail or an overnight delivery service and postmarked two or more calendar days prior to the due date will be accepted as a timely filing regardless of when it arrives.
- An Annual or a Post-Election Campaign Statement submitted on paper or diskette that is sent by registered mail, certified mail or an overnight delivery service and postmarked on or before the due date will be accepted as a timely filing regardless of when it arrives.
- Be sure to fill out all forms as accurately as possible. Notices will be sent to the committee if forms are left off, figures are wrong, addresses are incorrect, etc. The committee is then required to file an amendment to correct the error.
- A Campaign Statement will not be accepted if it is illegible, does not bear the proper signature(s), is not the proper size, does not contain the Schedule(s) required to substantiate information listed on the Summary Page, or is presented in a computerized format that has not been pre-approved by the Bureau of Elections.
- Committees filing on paper must provide one original copy of each required Campaign Statement.

Reporting Waiver Provisions

- A Candidate Committee is exempt from the Campaign Statement filing requirements if it currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before the due date of a required Campaign Statement. A Candidate Committee that does not expect to receive or spend more than \$1,000.00 for any election is eligible for a Reporting Waiver.
- A Reporting Waiver cannot be obtained between the Pre-Election Campaign Statement and the Post-Election Campaign Statement. A Candidate Committee that is required to file a Pre-Election Campaign Statement must also file a Post-Election Campaign Statement.
- To become eligible for a Reporting Waiver, the Candidate Committee must check item 10 on its Statement of Organization. This tells the filing official that the committee does not expect to receive or spend more than \$1,000.00 for any election. The committee can check item 10 on its original Statement of Organization or on an amendment to its Statement of Organization.
- A Candidate Committee that does not check item 10 on its Statement of Organization is not eligible for a Reporting Waiver. This means that the committee must file Campaign Statements regardless of the amount received or spent during the reporting period.
- A Candidate Committee loses its Reporting Waiver if it receives or spends more than \$1,000.00 for an election. Funds held by the committee after the date of an election count toward the "amount received" for the next election. If the Reporting Waiver is lost, the committee must file the next required Campaign Statement.

Statement of Organization Amendments Due With Campaign Statements

A committee registered under Michigan's Campaign Finance Act is required to amend its Statement of Organization if any information presented on the form changes. Required amendments to the form must be filed no later than the due date of the next required Campaign Statement.

Committees are, therefore, responsible for notifying the Bureau of Elections when the committee's mailing address changes. Failure to receive correspondence from the Bureau of Elections is not a defense for failing to file a required statement timely.

A Statement of Organization form is available on our web page at www.michigan.gov/sos.

Dissolution Information

To be eligible for dissolution, a Candidate Committee must have no remaining assets or outstanding debts. An unpaid late filing fee is considered to be a committee debt. Committees of unsuccessful candidates are encouraged to dissolve on the Post-Primary Campaign Statement if possible to avoid further filing requirements and potential late filing fees. An officeholder cannot dissolve his or her Candidate Committee until his or her term of office expires. Exceptions to this provision exist for officeholders who are not eligible to seek reelection. For further information on the exceptions, contact the Department of State's Bureau of Elections.

Funds leftover in a Candidate Committee account must be disbursed in the following ways:

- given to a Political Party Committee (state central, congressional district or county);
- given to a tax-exempt charitable organization (as long as the candidate does not become an officer or director of the organization or receive compensation, either directly or indirectly, from the organization);*

*When a dissolving committee contributes all or part of their remaining funds to a tax-exempt charitable organization, the committee must submit confirmation (letter, receipt, etc.) from the charitable organization acknowledging that the contribution was received.

- returned to the contributors of the funds;
- given to a House Political Party Caucus Committee (if the Candidate Committee was established by a candidate for the State House);
- given to a Senate Political Party Caucus Committee (if the Candidate Committee was established by a candidate for the State Senate);
- given to an Independent Committee;
- given to a Ballot Question Committee; or
- transferred to another Candidate Committee simultaneously held by the same person if the contribution limits that apply to the Candidate Committee receiving the funds are the same or greater than the contribution limits that apply to the Candidate Committee transferring the funds. (Further information on such fund transfers can be obtained by contacting the Department of State's Bureau of Elections.)

Judicial candidates are advised to contact the Michigan State Bar Association at (517) 346-6300 for additional information on dispersing leftover committee funds.

If the committee has a Reporting Waiver, it is dissolved by filing a single-page Dissolution Campaign Statement form. If the committee does not have a Reporting Waiver, it is dissolved by filing a final Campaign Statement with supporting Schedules. If the candidate is not participating in the November 4 general election, a Dissolution Campaign Statement can be combined with the September 4 Post-Primary Campaign Statement.

Candidate Committees Using MERTS Plus Software

The following reminders are offered for Candidate Committees using MERTS Plus software to electronically submit their Campaign Statements. **Questions concerning the use of the software should be directed to MERTS Plus Tech Support at (703) 749-4642 or sent by e-mail to mertstechsupport@nicusa.com.**

Election Cycles – Make sure the current election cycle is entered into the Election Cycles Window. Please see the attached Election Cycles Chart for specific dates.

Reporting Periods - A separate report record, with correct coverage period dates, must be created in the Reports Window for each Campaign Statement that will be electronically submitted by the committee.

Amendments to Campaign Statements – An amended Campaign Statement cannot be submitted until an original Campaign Statement has been electronically filed. If you create more than one amendment to a report, each amendment must be electronically submitted in the order it was created before any further amendments can be filed.

Questions?

If you have any questions, please phone us at (517) 373-2540 or write us at the address indicated below. The address below should also be used to mail your filing by first class mail, registered mail or certified mail.

Michigan Department of State
Bureau of Elections
Post Office Box 20126
Lansing, Michigan 48901-0726

If you would like to visit our office or use an overnight delivery service, the address below is provided.

Michigan Department of State
Bureau of Elections
Richard H. Austin Building, 1st Floor
430 West Allegan Avenue
Lansing, Michigan 48918-1700

Enclosures: Michigan Elections Cycle Chart
2008 Campaign Finance Reporting Dates to Remember